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10/009,397

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Andreas Hofstetter

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EXAMINER

BURGESS, BARBARA N

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/009,397

Applicant(s)

HOFSTETTER, ANDREAS

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to amendment filed April 26, 2007. Claims 16-20 are presented for further examination.

Claim Objections

1. Claim 16 is objected to because of the following informalities: the next to the last limitation in the claim has a minor error. "If said server can perform said service, said service performs..." Examiner understands this to be *server* instead of *service*. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoub (US Patent Publication 2003/0011805 A1) in view of Durst et al. (hereinafter "Durst", US Patent No. 6,108,656).

As per claim 16, Yacoub discloses a method for operating a network for the interconnection of computers having a server and a client, comprising:

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- inquiring by said client to said server, which is a queried server, for a specific service offered by said server, said client using specific parameters of said service (paragraphs [0017, 0023]);
- determining by said queried server whether it can perform said inquired service (paragraphs [0024, 0026]);
- if said server can perform said service, said service performs said service by said server (paragraphs [0037, 0039]);
- if said server cannot perform said service, said server switches said client to a further server or device connected to said network that is capable of executing said service (paragraphs [0039-0040]).

Yacoub does not explicitly disclose:

- storing datafiles on said server that are executable in said server and in said client;
- calling said datafiles by said client by sending a corresponding datafile address to said server;
- transmitting said datafiles by said server to said client in response to said calling said datafiles by said client.

Durst discloses the user making a file request via the Internet by entering a URL. The target server fetches or generates the requested file. The file is transmitted to the client computer and displayed on the browser for viewing by the user (column 5, lines 47-52, column 8, lines 1-8, 40-41, 46-50, 53-65, column 9, lines 11-17, 20-24).

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Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durst's storing datafiles, calling datafiles, and transmitting datafiles in Yacoub's method in order to indicate to the server which version of the client software is requesting the file and generating a page to return to the client browser.

As per claim 17, Yacoub discloses the method for the operation of a network according to claim 16, wherein service offered by said server is executing a printing order, and said method further comprising:

forwarding, by said server, said print order to another server or directly to a printer device when said server itself cannot execute said print order (paragraphs [0024, 0039]).

As per claim 18, Yacoub discloses the method for the operation of a network according to claim 16, further comprising the steps of:
storing information about said services offered by said server in a databank of said server (paragraph [0030]);
examining said databank to determine if a service is present for an inquiry by said client (paragraph [0037]).

As per claim 19, Yacoub discloses the method for the operation of a network according to claim 16, further comprising:

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generating an address of a further server or device for said server switching said client to said further server or device (paragraph [0036]);
communicating said address to said client inquiring said server (paragraphs [0024-0025].

As per claim 20, Yacoub does not explicitly disclose the method for the operation of a network according to claim 16, further comprising:

installing an interpreter at said server;

interpreting, by said interpreter, language elements executable at said server contained in said datafile;

executing, by said interpreter, said language elements executable at said server;

executing, by said client, language elements executable at said client contained in said datafile.

Durst teaches the user request including a file identifier, source identifier string that is sent to the server. The server is able to decrypt and use the identifiers to retrieve the requested files (column 8, lines 46-65).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durst's storing datafiles, calling datafiles, and transmitting datafiles in Yacoub's method in order to indicate to the server which version of the client software is requesting the file and generating a page to return to the client browser.

Response to Arguments

The Office notes the following arguments:

- (a) Wydra cannot be applied as prior art since the priority date for the present application is May 12, 1999 and the filing date of the Wydra reference is July 26, 1999.
- 4. Applicant's argument has been considered but is moot in view of the new ground(s) of rejection.

In response to:

- (a) The Wydra has been removed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

July 7, 2007

A handwritten signature in black ink, appearing to read 'Barbara N Burgess', with a long horizontal flourish extending to the right.